

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Victor M. Berrios

Docket No. 5:08-M-1501-1

Petition for Action on Probation

COMES NOW Audra V. Basaldu, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Victor M. Berrios, who, upon an earlier plea of guilty to DWI-Level 5 in violation of 18 U.S.C. § 13, assimilating N.C.G.S. 20-138.1, was sentenced by the Honorable William A. Webb, U.S. Magistrate Judge, on June 9, 2009, to a 12-month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate in a program of mental health treatment, as directed by the probation office.
2. The defendant shall obtain a substance abuse assessment from an appropriate mental health facility within thirty (30) days from the date of this judgment and complete any prescribed treatment program. The defendant must pay the assessment fee and any added treatment fees that may be charged by the facility.
3. The defendant shall not operate a motor vehicle on the highways of the State of North Carolina until his privilege to do so is restored in accordance with law.
4. It is further ordered that the defendant shall participate in any other Alcohol/Drug Rehabilitation and Education program as directed by the U.S. Probation Office.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Mr. Berrios has failed to complete the recommended 20 hours of substance abuse treatment and is currently \$60.00 in arrears due to his deployment to Haiti between January, 2010, and May, 2010. He has agreed to an extension of his supervision for a period of sixty days to allow him the time needed to complete the prescribed treatment and to satisfy the court ordered financial obligation. The defendant signed a Waiver of Hearing agreeing to the proposed extension and modification of supervision.

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PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

That the term of supervision be extended sixty days from the expiration date of June 8, 2010 until August 8, 2010.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert K. Britt
Robert K. Britt
Senior U.S. Probation Officer

/s/ Audra V. Basaldu
Audra V. Basaldu
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: June 2, 2010

ORDER OF COURT

Considered and ordered this 3rd day of June, 2010, and ordered filed and made a part of the records in the above case.



William A. Webb
U.S. Magistrate Judge

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FOR JUDGE'S REVIEW ONLY

DO NOT FILE



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